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August 27, 2009

Christopher Calfee, Special Counsel  
ATTN: CEQA GUIDELINES  
California Resources Agency  
1017 L Street, #2223  
Sacramento, CA 95814

**Subject: Comments on Preliminary Draft CEQA Guideline Amendments for Greenhouse Gas Emissions**

Dear Mr. Calfee:

The California Department of Transportation (Caltrans) first wishes to recognize all the hard work and careful thought that is clearly evident in the Proposed CEQA Guideline Amendments for Greenhouse Gas Emissions dated July 3, 2009 (Amendments). We appreciate the efforts of both your office and the Governor's Office of Planning and Research (OPR). We look forward to our continued involvement with OPR, the California Air Resources Board (CARB), and the Natural Resources Agency as the Amendments proceed through the formal rulemaking process.

Caltrans initially commented when OPR released the preliminary draft of the CEQA Guidelines Amendments in February 2009. While some of our comments were addressed, many were not and are included again in this letter for your consideration. Our most serious concern with the Amendments is the inconsistent and sometimes absent language regarding statewide and regional planning efforts that could be used for CEQA compliance.

**General Comments:**

We commend the "less-is-more approach" to the Amendments. In particular, the recognition that the principles of CEQA do not need to be changed in order to effectively deal with greenhouse gas (GHG) emissions. The Amendments provide a solid foundation for analysis while clearly maintaining the discretion of the lead agency to determine the appropriate method of impact analysis, the significance of impacts and the appropriateness of mitigation measures.

Like other commenters, we recognize that adaptation is not currently in the Amendments. While we support the inclusion of climate change adaptation in the Amendments, we recognize that efforts to develop consistent, statewide planning scenarios and other guidance are on-going and may not be sufficiently complete to include in the Amendments. Natural Resources Agency as well as many other state agencies are actively working on the issues surrounding

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adaptation; these efforts have resulted in the 2009 California Climate Adaptation Strategy Discussion Draft, which was released on August 3, 2009.

### **Section-by-Section Comments**

#### **15064. Determining the Significance of Environmental Effects Caused by a Project**

Comment: We note that references made in the January 2009 Amendments to “city or county general or specific plan, regional housing allocation plan, regional transportation plan, and regional blueprint” in subsection 15064(h)(3) have been deleted in this version of the Amendments. If that text is re-inserted, we would like to see the addition of “statewide transportation plan.”

#### **15064.4. Determining the Significance of Impacts from Greenhouse Gas Emissions**

Comment: The Department again appreciates the flexibility that is given in this section. The factors that a lead agency should consider are concise and well articulated. While the Department has been doing quantitative assessments for many projects, we appreciate the ability to rely on other methodologies, including qualitative analysis, when the project and its setting warrant such an approach. We acknowledge that reference to GHG targets has been deleted in the current Amendments and support that change.

#### **15093. Statement of Overriding Considerations**

Comment: While we support the addition of subsection (d), we would like to state that we feel subsection (a) does already provide the means to consider regional and statewide benefits. Perhaps the content of subsection (d) could be incorporated into subsection (a) as clarification.

#### **15125. Environmental Setting**

Comment: We encourage OPR to maintain consistency between the plans listed in Amendments; specifically, subsection (d) of this section and sections 15130(b)(1)(A) and 15130(d). Again, we would like to see “statewide transportation plan” in the text.

#### **15126.4. Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects.**

Comment: We feel this section strikes an appropriate balance and the specific inclusion of purchasing carbon offsets provides us with another valuable means of protecting the environment while meeting other important public goals. We are aware that other commenters will be requesting a mitigation hierarchy to be established for climate change mitigation, with on-site mitigation as the preferred method. We agree that measures should be incorporated into the project itself to the maximum extent feasible; however, if planting or some other form of carbon sequestration is proposed, the footprint of that mitigation may be very large and difficult to do on-site. In addition, by pooling resources, such as with banks or other regional forms of mitigation, greater efficiencies and effectiveness are possible. If a mitigation hierarchy is established, we request that it be a permissive hierarchy so that lead agencies have



the flexibility needed to balance multiple goals, such as offsetting carbon and maintaining a safe facility. Lastly, given that climate change effects are global in nature, we feel that on-site mitigation may not be preferable.

#### **15130. Discussion of Cumulative Impacts**

Comment: The Department would like to see recognition of the potential for a statewide inventory approach to cumulative impacts. Subsection (b)(1)(B) discusses projections based on local or regional plans; however, it does not discuss the potential to use statewide projections. It is widely recognized that climate change is a global issue; as such, provisions should be made available to deal with climate change on a statewide scale at the very least. Specifically, as was raised by one commenter at OPR's January 26, 2009 workshop in Sacramento, it would be difficult, if not impossible, for lead agencies to track GHG emissions for past, present and future projects given the state of the science and the nature of GHG emissions. We would like to suggest that lead agencies could make use of statewide GHG projections contained in state level documents, such as CARB's Scoping Plan or the Energy Commissions GHG inventory.

#### **15152. Tiering**

Comment: Subsection (h)(7), again the Department would like to see the recognition that tiering could be done off of a statewide plan, such as a statewide transportation plan, that adequately addresses GHG emissions.

#### **Appendix G Environmental Checklist Form**

Comment: Thank you for retaining the newly created preamble language on the Appendix G Environmental Checklist Form. We feel this language provides useful clarification regarding the intent and use of the checklist. We particularly wish to express our support of the statement regarding the fact that the questions "do not necessarily represent thresholds of significance."

Thank you for addressing our previous comment regarding the deletion of "that may have a significant impact on the environment, based on any applicable threshold of significance" in Section VII (a).

XVI. Transportation/Traffic. We are aware that Natural Resources Agency will receive several comment letters asking for level of service (LOS) to be deleted from the Appendix G checklist. We would like to respectfully request that it or a comparable measure of congestion remains a part of the checklist. Just as safety is an environmental impact related to the human environment, so too is traffic. Traffic congestion affects not only air quality and potentially health human but also quality of life issues, which are one of the main criteria for sustainability. The implication from those who want LOS removed from the checklist is that having it on the checklist somehow prohibits agencies from implementing other modal choices and makes a determination of significance necessary. We respectfully disagree; as the newly

inserted preamble to the checklist states, the questions do not create thresholds of significance but rather a framework for impact assessment. Traffic is one component of the overall environmental impact landscape that must be examined but is not the determinant factor. Other modes of transportation, including bicycle, pedestrian, and transit must be analyzed and the transportation systems as a whole must be examined. Leaving vehicles out of this analysis would ignore a key component of the overall transportation network and more congestion does equate to more greenhouse gas emissions. The Department does continue its efforts to reduce net vehicle trip generation and to work with regional and local governmental entities to improve mobility and to create efficient links between transportation systems and land-use.

We would like to suggest the following questions for this portion of the checklist:

- a) Exceed the capacity of the existing circulation system, based on an applicable measure of effectiveness (as designated in a general plan policy, ordinance, by a responsible agency, etc.), taking into account all relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle networks, and mass transit?*
- b) Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the applicable local, regional or state congestion management agency for designated roads or highways?*
- d) Have the potential to significantly affect the safety of the circulation system?*
- e) Reduce, sever, impede or eliminate pedestrian and/or bicycle circulation and access, or conflict with adopted policies, plans or programs supporting bicycle and pedestrian circulation, or cause secondary impacts on pedestrians and bicyclists through its traffic mitigation measures, such as from widening intersections to accommodate more motorized vehicles?*
- f) Cause a degradation of the performance or availability of all mass transit modes including buses, light or heavy rail for people or goods movement, or conflict with adopted policies, plans or programs supporting mass transit circulation?*

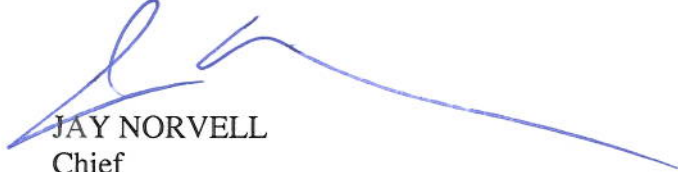
Lastly, we would like to offer this suggestion for the Recreation section of the checklist:

*Would the project reduce, sever, or eliminate an existing neighborhood or regional park or other types of recreational facility such as multi-use trails, bike paths or equestrian trails?*

XVIII. Mandatory Findings of Significance. We would like to see subsection (a) changed to be consistent with Section 15065(a)(1). Specifically, we recommend that the word “substantially” be added in front of “reduce the number or restrict the range of a rare or endangered plant or animal.”

Again, the Department appreciates the opportunity to comment on the Amendments. If the Department can be of any further assistance or provide any additional information, please do not hesitate to contact Kelly Dunlap, Chief, Environmental Management Office, at (916) 651-8164.

Sincerely,



JAY NORVELL

Chief

Division of Environmental Analysis